761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 16, 2008

OFFICE CORRESPONDENCE FILE NO. SH2194545

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY [redacted] #[redacted]
LENNOX STATION

While off duty, Deputy [redacted] shot Suspect Juan Velasco. Suspect Velasco and another suspect were attempting to rob and carjack Deputy [redacted]

On May 11, 2007, at 0105 hours, Deputy [redacted] stood near his personal car parked in the 5900 block of Southside Drive. Suspects Velasco and Jose Flores confronted Deputy [redacted] together. Suspect Velasco demanded his keys and wallet, as Suspect Flores struck him in the back of the head with an unknown metal object several times. Deputy [redacted] repeatedly told the suspects he was a deputy sheriff. Both suspects disregarded his statements. Deputy [redacted] was losing consciousness, but finally opened his car door. He retrieved his duty weapon from under the driver's seat. Believing he was going to be killed, Deputy [redacted] shot toward the suspects. Suspect Velasco was struck several times in the upper torso and fell. Suspect Flores ran north across Olympic Boulevard.

Deputy Elizabeth Aguilera was nearby and she heard the gunshots. She saw Suspect Flores running northbound in front of her. Believing Suspect Flores was involved in the shooting, Deputy Aguilera coordinated assisting units as she watched both suspects. Once deputies arrived, they located and arrested Suspect Flores without incident.

Suspect Velasco was transported to Los Angeles County Medical Center where he was pronounced dead. Deputy [redacted] was treated for several contusions and lacerations to his head at Beverly Hospital.

The weapon used in the assault was not recovered. Six expended 9mm shell casings were recovered from the scene.

On December 4, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined the tactics employed by Deputy [redacted] #[redacted] in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw

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R- Photographs of the location, [redacted] Vehicle, [redacted] injuries, [redacted] clothing, and Suspect Flores.

S- Diagram drawn by [redacted] indicating the suspects positions at the onset of the incident.

Miscellaneous Documents

Administrative Rights/Shooting Review Forms
Sheriff's Memorandum from Chief Castro to Sheriff Baca
Crime scene DVD.

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: November 5, 2008	Bureau/Station/Facility: FOR II - Lennox Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 007-05503-0287-013	Date: 05-11-07 Time: 0105 Hours
City or Station: East Los Angeles Sheriff's Station	Nature of Incident: Attempted Murder, Attempted Carjacking - Deputy Involved Shooting - Suspect Deceased
Location: 5900 Block of Southside Drive	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: ____________

Lighting (*circle only one*):
Darkness
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear
Cloudy
Fog
Rain

Distance:

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ____________

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol

Total # of Shots Fired by Deputy: Six (6)

Total # of Shots Fired by Suspect: None (0)

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*): On Duty / Present during shooting / Witness to shooting / Involved in shooting
Employee #	Last Name	First Name	M.I	(*circle one or more*): On Duty / Present during shooting / Witness to shooting / Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only

SH # 2194545

Officer Involved Shooting

URN: 007-05503-0287-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05-11-07	0200 Hours	11/05/2008	

Employee #	Last Name	First Name	M.I
[redacted]	Taylor	Rossanna	M.
[redacted]	Baird	Marshall	W.
[redacted]	Parker	Michael	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OB					LC	HE
S1	E1	OB					AB	FA
E1	S1	FH	BR	9	Y	Y	DH	CH

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 007-05503-0287-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: H	Rank DSG	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): Off Duty
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime (Off Duty)	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 7 to 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'11	Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9 mm	# Shots 6	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 007-05503-0287-013

Suspect Information

S 1

Last Name Velasco	First Name Juan	M.I. M.
AKA Last Name Velasco	First Name Narciso	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 30 D.O.B. 04-04-77	Height: 507 Weight: 145	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge: N/A	Secondary Charge:	
Coroner Case? ☐	Coroner Case # 2007-03543	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S 2

Last Name Flores	First Name Jose	M.I. T.
AKA Last Name Delgado	First Name Jose	M.I. T.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: Unk.	Home Phone: Unk.	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 30 D.O.B. 08-19-76	Height: 509 Weight: 160	FBI # [redacted]	CII # [redacted]
Booking # 9791136	Primary Charge: 664/187 P.C.	Secondary Charge: 664/215 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY

INCIDENT: **OFF-DUTY HIT SHOOTING - SUSPECT DECEASED**
IAB FILE NUMBER: **SH 2194545**
URN NUMBER: **007-05503-0287-013**

Opening Statement

On May 11, 2007, Sergeants Rossanna Taylor and Sergeant Marshall Baird along with Lieutenant Michael Parker of Internal Affairs Bureau responded to Olympic Boulevard and Southside Drive, Los Angeles (unincorporated county area), regarding a Deputy Involved Hit Shooting which involved personnel from Lennox Station. Homicide Lieutenant Larry Lincoln, along with Investigators Kevin Lloyd and Stephen Weireter were on the scene to conduct the criminal investigation. Ben Jones from the Office of Independent Review also responded.

IAB note: **On April 23, 2008, this case was reassigned to IAB Sergeant Benjamin Garcia due to the transfer of Sergeant Taylor and the retirement of her partner, Sergeant Baird.**

Crime Scene/Location

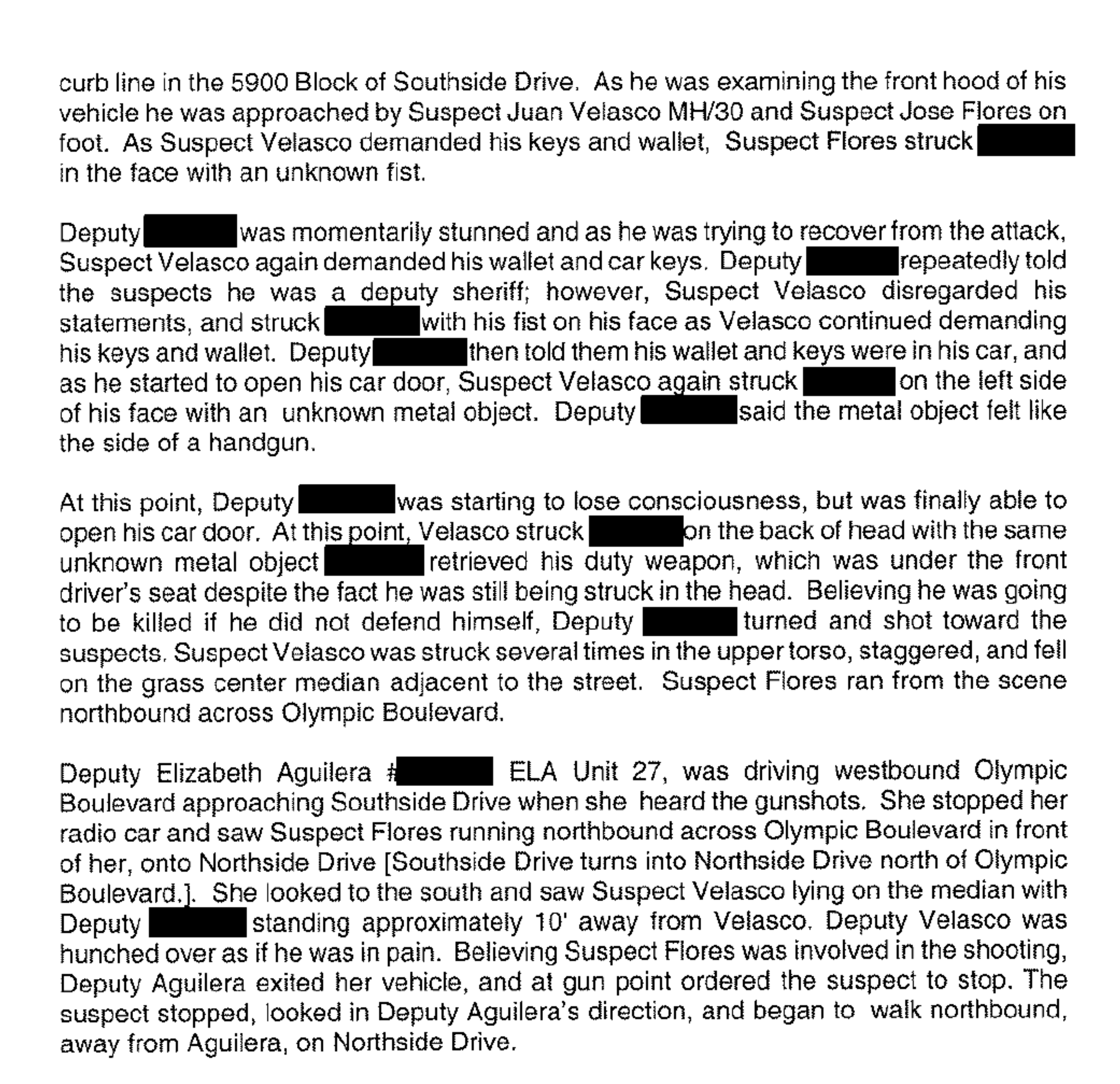
The location of the shooting incident occurred at the 5900 block of Southside Drive, which is south of Olympic Boulevard, in East Los Angeles. Olympic Boulevard is an east/west street with two lanes of traffic in each direction. Southside Drive is an north/south street with one lane of traffic in each direction that is divided by an approximately 50-foot wide park median.Each of the north and south bound lanes of Southside Drive are approximately 28' feet wide.

The shooting incident occurred by Deputy [redacted] personal vehicle which was parked along the east curb of the north bound lane Southside Drive, just west of Salazar's Tires (6000 Olympic Boulevard). [redacted] vehicle was a 1996 Chevrolet Impala, bluish green in color, 4-door, VIN # [redacted] Refer to Exhibit A, page 40 for additional information.

Synopsis

While off duty, Deputy [redacted] shot Suspect Juan Velasco as Velasco and Suspect Flores were attempting to rob and carjack Deputy [redacted]

On May 11, 2007 at 0105 hours, while off-duty, Deputy [redacted] # [redacted] assigned to Lennox Station, was returning to his personal vehicle, which was parked along the east



curb line in the 5900 Block of Southside Drive. As he was examining the front hood of his vehicle he was approached by Suspect Juan Velasco MH/30 and Suspect Jose Flores on foot. As Suspect Velasco demanded his keys and wallet, Suspect Flores struck [redacted] in the face with an unknown fist.

Deputy [redacted] was momentarily stunned and as he was trying to recover from the attack, Suspect Velasco again demanded his wallet and car keys. Deputy [redacted] repeatedly told the suspects he was a deputy sheriff; however, Suspect Velasco disregarded his statements, and struck [redacted] with his fist on his face as Velasco continued demanding his keys and wallet. Deputy [redacted] then told them his wallet and keys were in his car, and as he started to open his car door, Suspect Velasco again struck [redacted] on the left side of his face with an unknown metal object. Deputy [redacted] said the metal object felt like the side of a handgun.

At this point, Deputy [redacted] was starting to lose consciousness, but was finally able to open his car door. At this point, Velasco struck [redacted] on the back of head with the same unknown metal object [redacted] retrieved his duty weapon, which was under the front driver's seat despite the fact he was still being struck in the head. Believing he was going to be killed if he did not defend himself, Deputy [redacted] turned and shot toward the suspects. Suspect Velasco was struck several times in the upper torso, staggered, and fell on the grass center median adjacent to the street. Suspect Flores ran from the scene northbound across Olympic Boulevard.

Deputy Elizabeth Aguilera #[redacted] ELA Unit 27, was driving westbound Olympic Boulevard approaching Southside Drive when she heard the gunshots. She stopped her radio car and saw Suspect Flores running northbound across Olympic Boulevard in front of her, onto Northside Drive [Southside Drive turns into Northside Drive north of Olympic Boulevard.]. She looked to the south and saw Suspect Velasco lying on the median with Deputy [redacted] standing approximately 10' away from Velasco. Deputy Velasco was hunched over as if he was in pain. Believing Suspect Flores was involved in the shooting, Deputy Aguilera exited her vehicle, and at gun point ordered the suspect to stop. The suspect stopped, looked in Deputy Aguilera's direction, and began to walk northbound, away from Aguilera, on Northside Drive.

Deputy Aquilera requested assistance over her radio and coordinated responding units and rescue units to her location. As Aguilera was radio broadcasting, Suspect Flores began to run while he placed his hands in his front waistband area. Deputy Aguilera then proceed to the front of her vehicle in order to maintain visual contact with Flores and to direct assisting units to Flores location.

Once assisting deputies arrived, they were able to locate Suspect Flores, who was attempting to hide on a stairway behind [redacted] Olympic Boulevard. He was arrested without incident and transported to East Los Angeles Station for booking after being positively identified.

Suspect Velasco was transported to Los Angeles County/U.S.C. Medical Center where he was pronounced dead.

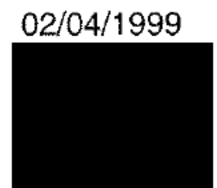
District Attorney's Letter of Opinion

On January 10, 2008 the Los Angeles County District Attorney's Office Justice Integrity Division completed its review of Deputy [redacted] shooting and concluded the following: "Given the appearance of a rapidly evolving, potentially life-threatening situation that confronted Deputy [redacted] we concluded he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter."(***Refer to Exhibit B***)

INVOLVED PERSONNEL

[redacted] Deputy #[redacted]
Field Operations Region II
[redacted]

Work History

Date of Employment	02/04/1999
Date Assigned to Patrol	 [redacted]
Date Completed Patrol Training	
Prior Shooting Incidents	
Prior Founded Force Incidents	

SUSPECTS

FLORES, Jose Trinidad, MH/30, Bkg# 9820120

Suspect Flores' criminal history  [redacted] (refer to Exhibit A, pages 90 - 128).

VELASCO, Juan, MH/30, Deceased

Suspect Velasco's criminal history  [redacted] Exhibit A, pages 129 - 140).

SWORN WITNESSES

1. Aguilera, Elizabeth, Deputy Sheriff, #[redacted]
2. Salazar, Edson, Deputy Sheriff, #[redacted]

CIVILIAN WITNESSES

1. [redacted]
2.
3.
4.
5.
6.

INJURIES

Sworn

Deputy [redacted] sustained numerous abrasions to his neck and head area. He was treated at Beverly Hospital in Montebello and released the same morning of the incident with no medical restrictions.

Suspect

Suspect Velasco was pronounced dead at the scene from five (5) gunshot wounds, three (3) being fatal. Refer to the coroner's report, Exhibit A, pages 200 - 221.

Suspect Flores was not injured.

PHYSICAL EVIDENCE

Refer to the Homicide Book, Exhibit A, pages 35 - 44, 46 - 47, and 60 for physical evidence gathered at the crime scene and processed by the Crime Lab.

INVESTIGATOR OBSERVATIONS:

based on photographs and diagrams of the incident, the physical evidence at the shooting scene (positions of shell casings, positions of the vehicles, and the evidence recovered at the scene) appeared to be consistent with the deputies' and witnesses' versions of the event.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy [redacted]

Service Weapon - Beretta, model 92FS (Serial Number BER[redacted]), 9mm Luger caliber semi automatic pistol

Ammunition - Six (6) rounds fired from one magazine

Shell Casings - Six (6) expended Luger Brand casings were recovered near where Deputy Arevalo reported firing.
Last Qualified - [redacted] [Exhibit D]
Last Trained - [redacted] [Threat Assessment/ Night - Exhibit E]

Deputy [redacted] weapon was examined, test fired, and found to be functional and within Department standards by Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section, under lab receipt No. J879675 (Refer to Exhibit A, page 63).

WEAPON USED BY SUSPECTS

Suspect Flores used a piece of barbed wire.

Suspect Velasco used an unknown blunt object to strike Deputy [redacted] in the neck and head area.

PROPERTY DAMAGE

None found.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Investigators Kevin Lloyd and Stephen Weireter [Retired]
Court: Los Angeles Superior Court
Charges Filed: One count of Attempt Murder of a Police Officer, 664/187(a) P.C. one count of Attempt Car Jacking, 664/215 P.C., and one count of Assault with a deadly weapon on a peace officer, 245(A)(1) P.C., under case# BA323490
Status: Suspect Flores pled guilty to Attempted Murder charges on January 14, 2008 and was sentenced to nine years in state prison [Exhibit C].

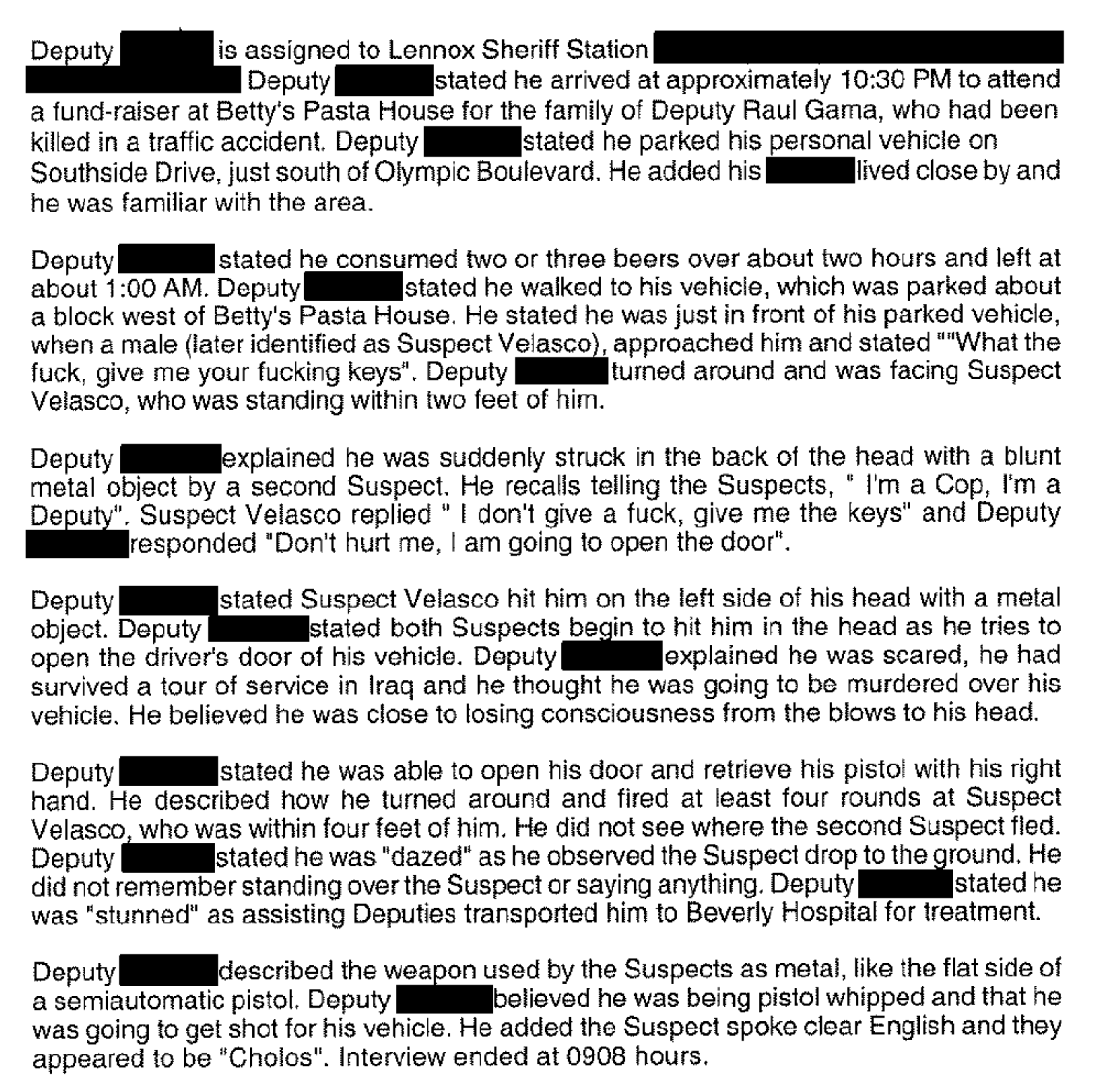
LIGHTING AND WEATHER CONDITIONS

The incident occurred during night hours with the nearest street light located at the southeast corner of Southside Drive and Olympic boulevard, approximately 12 to 15 feet north of [redacted] vehicle. The weather was warm and clear.

INVOLVED EMPLOYEE STATEMENTS

The following summaries are based on verbal and written statements given to the homicide bureau detectives from the involved deputy, witnesses' statements and statement from Suspect Flores.

On May11, 2007, at approximately 0830 hours, Homicide Investigators Lloyd and Weireter interviewed **Deputy** [redacted] in the East Los Angeles conference room. The following is the summary (Exhibit A, page 52) of their interview, which was taped recorded under Job ID number 24009. The interview transcriptions of these interviews is submitted under



Exhibits G & H:

Deputy [redacted] is assigned to Lennox Sheriff Station [redacted] Deputy [redacted] stated he arrived at approximately 10:30 PM to attend a fund-raiser at Betty's Pasta House for the family of Deputy Raul Gama, who had been killed in a traffic accident. Deputy [redacted] stated he parked his personal vehicle on Southside Drive, just south of Olympic Boulevard. He added his [redacted] lived close by and he was familiar with the area.

Deputy [redacted] stated he consumed two or three beers over about two hours and left at about 1:00 AM. Deputy [redacted] stated he walked to his vehicle, which was parked about a block west of Betty's Pasta House. He stated he was just in front of his parked vehicle, when a male (later identified as Suspect Velasco), approached him and stated ""What the fuck, give me your fucking keys". Deputy [redacted] turned around and was facing Suspect Velasco, who was standing within two feet of him.

Deputy [redacted] explained he was suddenly struck in the back of the head with a blunt metal object by a second Suspect. He recalls telling the Suspects, " I'm a Cop, I'm a Deputy". Suspect Velasco replied " I don't give a fuck, give me the keys" and Deputy [redacted] responded "Don't hurt me, I am going to open the door".

Deputy [redacted] stated Suspect Velasco hit him on the left side of his head with a metal object. Deputy [redacted] stated both Suspects begin to hit him in the head as he tries to open the driver's door of his vehicle. Deputy [redacted] explained he was scared, he had survived a tour of service in Iraq and he thought he was going to be murdered over his vehicle. He believed he was close to losing consciousness from the blows to his head.

Deputy [redacted] stated he was able to open his door and retrieve his pistol with his right hand. He described how he turned around and fired at least four rounds at Suspect Velasco, who was within four feet of him. He did not see where the second Suspect fled. Deputy [redacted] stated he was "dazed" as he observed the Suspect drop to the ground. He did not remember standing over the Suspect or saying anything. Deputy [redacted] stated he was "stunned" as assisting Deputies transported him to Beverly Hospital for treatment.

Deputy [redacted] described the weapon used by the Suspects as metal, like the flat side of a semiautomatic pistol. Deputy [redacted] believed he was being pistol whipped and that he was going to get shot for his vehicle. He added the Suspect spoke clear English and they appeared to be "Cholos". Interview ended at 0908 hours.

SWORN WITNESS STATEMENTS:

On May 11, 2007, Homicide Investigators Lloyd and Weireter, along with Sergeants Rossanna Taylor and Marshall Baird, from the Internal Affairs Bureau, interviewed **Elizabeth Aguilera** in the East Los Angeles Station's conference room. The following is the summary (Exhibit A, page 51) based on their interview, which was tape recorded under job ID number 24007. The interview transcription is submitted under Exhibit F:

Witness Aguilera stated she was working uniformed patrol in marked sheriff's vehicle, working Unit 27 on the early morning shift ([redacted] hours). She stated Witness [redacted] was her civilian ride-along. Witness Aguilera recalled stopping by Betty's Pasta House and then driving westbound on Olympic Boulevard. She recalled hearing six or seven gunshots coming from a southwest direction.

Witness Aguilera stopped on Olympic Boulevard in the intersection of Northside/Southside Drives. Witness Aguilera explained it was only seconds between her hearing the gunshots and observing Deputy [redacted] holding th injured suspect at gunpoint and seeing the second suspect fleeing. She described the suspect as a male Hispanic, 6'08" to 5'10" in height, approximately 200 pounds, husky, wearing a black cap, dark bandana around his neck, a bandana around his right hand and wearing black gloves.

Witness Aguilera observed the suspect run in front of her vehicle and then stop and look at he with a "shocked face." Witness Aguilera stated she pointed her duty weapon at the suspect and ordered him to show her his hands. The suspect ignored her orders and continued running northbound. Aguilera stated the suspect kept reaching into his waistband with his left hand. She continued to follow the suspect as she radioed for assistance.

Witness Aguilera stated she observed the suspect running up the stairs at the rear of the building on the northeast corner of Olympic Boulevard and Northside Drive. Aguilera and assisting units took the suspect into custody. She added when she watched the suspect running up and down the stairs, she heard a noise as if the suspect had dropped something. She recovered a piece of barbed wire, twisted in a circle on the ground. She added paramedics arrived to treat the injured suspect as they were still apprehending the second suspect.

On May 11, 2007, Homicide Investigators Lloyd and Weireter, along with Sergeants Rossanna Taylor and Marshall Baird, from the Internal Affairs Bureau, interviewed **Edson Salazar** in the East Los Angeles Station's conference room. The following is their summary (Exhibit A, pages 50 - 51) based on the taped recorded interview under job ID number 2400. The interview transcriptions is submitted under Exhibits F and Q:

Witness Salazar is assigned to Men's Central Jil and ended his shift at [redacted] hours. Witness Salazar arrived at Betty's Pasta House at approximately 2245 hours and left at 0100 hours. Witness Salazar explained he was in his personal vehicle driving southbound on Northside Drive approaching Olympic Boulevard. He stated he saw a male, which he later determined was Deputy [redacted] pointing a gun at a suspect on the ground. He observed a second suspect running northbound across Olympic Boulevard.

Witness Salazar described the second suspect as a male, 6'00" in height, thin build wearing a sweatshirt, jeans and something on his head. Witness Salazar lost sight of the suspect as he ran into the parking lot on the north side of Olympic Boulevard. Witness Salazar parked his truck in the middle of the street and went to the aid of Deputy [redacted] He asked Deputy [redacted] if he was okay and he replied, "They hit me, they jumped me." Witness Salazar observed blood on the collar and left side of Deputy [redacted] head. Witness Salazar stated he did not hear the wounded suspect say anything.

Witness Salazar stated he first observed the second suspect running northbound from the grass center median dividing Northide Drive and Southside Drive withing ten yards of Deputy [redacted] He added deputies had him participate in a field show up with the second suspect. Witness Salazar stated the person detained was wearing the same clothing and was the same height as the person he observed fleeing the scene.

CIVILIAN WITNESS STATEMENTS

On May 11, 2007, Homicide Investigators Lloyd and Weireter, along with Sergeant Rossanna Taylor from Internal Affairs Bureau, interviewed [redacted] in the East Los Angeles Station's conference room. The following is the summary (Exhibit A, pages 48 - 49) of their interview, which was tape recorded under job ID number 24010. The interview transcription is submitted under Exhibit J:

Witness [redacted] stated she went to Betty's Pasta House at about 10:15 PM with her friend, Witness [redacted] She explained they left Betty's Past House at about 1:00 AM and began walking westbound on the north sidewalk of Olympic Boulevard towards their vehicle. As they were approaching Northside Drive, they observed three people fighting on Southside Drive, just south of Olympic Boulevard. [redacted] heard approximately four gunshots coming from the area of the fight. She added they started running away northbound through a parking lot in the east/west alley.

Witness [redacted] stated as they entered the alley, a male wearing dark clothing ran by them. She explained Deputies arrived and told them to "get down." After a few minutes, she observed the Deputies walking the suspect to a radio car. Witness [redacted] stated it appeared the fight was between two people against one. She believed she saw one male get knocked to the ground.

On May 11, 2007, Homicide Investigators Lloyd and Weireter, along with Sergeants Rossanna Taylor and Marshall Baird, from the Internal Affairs Bureau, interviewed [redacted] in the East Los Angeles Station's conference room. The following is the summary (Exhibit A, page 49) of their interview, which was tape recorded under job ID number 34010. The interview transcription is submitted under Exhibit K:

Witness [redacted] stated she arrived at Betty's Pasta House between 10:15 PM and 10:30 PM with Witness [redacted] She explained that they left around 1:00 AM and were walking westbound on the north sidewalk of Olympic Boulevard towards Northside Drive. Witness [redacted] observed three males fighting on Southside Drive. She could hear yelling and profanity coming from the three males involved in the fight. She recalled hearing, "probably four" gunshots.

Witness [redacted] stated they ran through the liquor store parking lot into an alley. As she entered the alley, she observed a male running from Northside Drive, east towards them and the Deputies. She described the male as wearing black clothing and he was "kinda slender and tall." She observed the male run towards the stairs at the back of the building as she heard Deputies yelling at the male to "get on the ground."

Witness [redacted] stated the Deputies walked a male by her, but she was on the telephone and did not see his face. She did not recall seeing any other male in the area.

On May 11, 2007, Homicide Investigators Lloyd and Weireter, along with Sergeants Rossanna Taylor and Marshall Baird, from the Internal Affairs Bureau, interviewed [redacted] in the East Los Angeles Station's conference room. The following is the summary (Exhibit A, pages 49 - 50) of their Interview, which was tape recorded under job ID number 24010. The interview transcription is provided under Exhibit L:

Witness [redacted] was a civilian ride along with Witness Deputy Aguilera. He is employed as a local tow truck driver with ambitions of joining Law Enforcement. Witness [redacted] explained that he started his ride-along ast approximately 2330 hours. He stated they proceeded westbound on Olympic Boulevard approaching the Norhside/Southside Drives intersection, when he heard more than one gunshot. He believed the gunshots were coming from the west.

Witness [redacted] observed a white car speeding from Southside Drive to west on Olympic Boulevard. He believed the vehicle was possibly a Honda Accord. Witness [redacted] recalled seeing three males on Southside Drive. He observed the person, whom he later learned was Deputy [redacted] standing next to person on the ground. He observed another male, standing in the street, wearing blue jeans, gray sweatshirt, baseball hat, a bandana around his neck and black gloves. He did not see anything in the male's hands.

Witness [redacted] stated Deputy Aguilera ordered the male to the front of the vehicle. The male ignored her orders and ran northbound past their radio car onto Northside Drive He watched as the suspect ran east into the alley, north of Olympic Boulevard. After a few minutes, he observed assisting deputies taking the suspect into custody. He added the male he saw running from the scene was the same male which was taken into custody. Witness [redacted] did not see anyone else running or in the immediate area.

On May 17, 2007, Homicide Investigators Lloyd and Weireter, interviewed [redacted] at Homicide Bureau. The following is the summary (Exhibit A, pages 56-57) of their interview, which was tape recorded under job ID number 24009. The interview transcription is provided under Exhibit O:

Witness [redacted] stated Suspect Velasco picked her and her [redacted] up in the van on Thursday night. She added they drove to Bell Gardens and picked up "Loco" on Ira Street. Witness [redacted] explained they drove back to their house and picked up [redacted] who is also their [redacted] Witness [redacted] decided to drive the van because Suspect Velasco had been drinking.

Witness [redacted] stated she was driving, Suspect Velasco was in the front passenger seat, Suspect Flores was on the floor and [redacted] were sitting in the back seat. She stated they drove around and ended up on Southside Drive, waiting for the red light at Olympic Boulevard. She recalled the victim walking on the sidewalk and turning the corner onto Southside Drive. She heard Suspect Velasco say, "What are you looking at" towards the victim. Witness [redacted] stated Suspect Velasco immediately jumped out of the van and started hitting the victim. She recalled Suspect Flores following Suspect

Velasco and joining in on the assault of the victim.

Witness [redacted] explained at this point, she was looking around for the police. She observed the driver's door of the victim's vehicle open and [redacted] yelled, "The guy has a gun." Witness [redacted] stated she drove northbound across Olympic Boulevard and stopped at the next street. She explained she was upset, so she had her [redacted] drive the van. She recalled driving back by the scene and seeing numerous police cars, so they left the area.

Witness [redacted] explained they drove to their [redacted] house and told him what happened. He advised them to return the van and go talk to the police. She believes they dropped the van off at 1:40 AM at Suspect Velasco's residence.

On May 17, 2007, Homicide Investigators Lloyd and Weireter, interviewed [redacted] in front of her residence. The following is the summary (Exhibit A, page 57) of their interview, which was tape recorded under job ID 24742. The interview transcription is provided under Exhibit M:

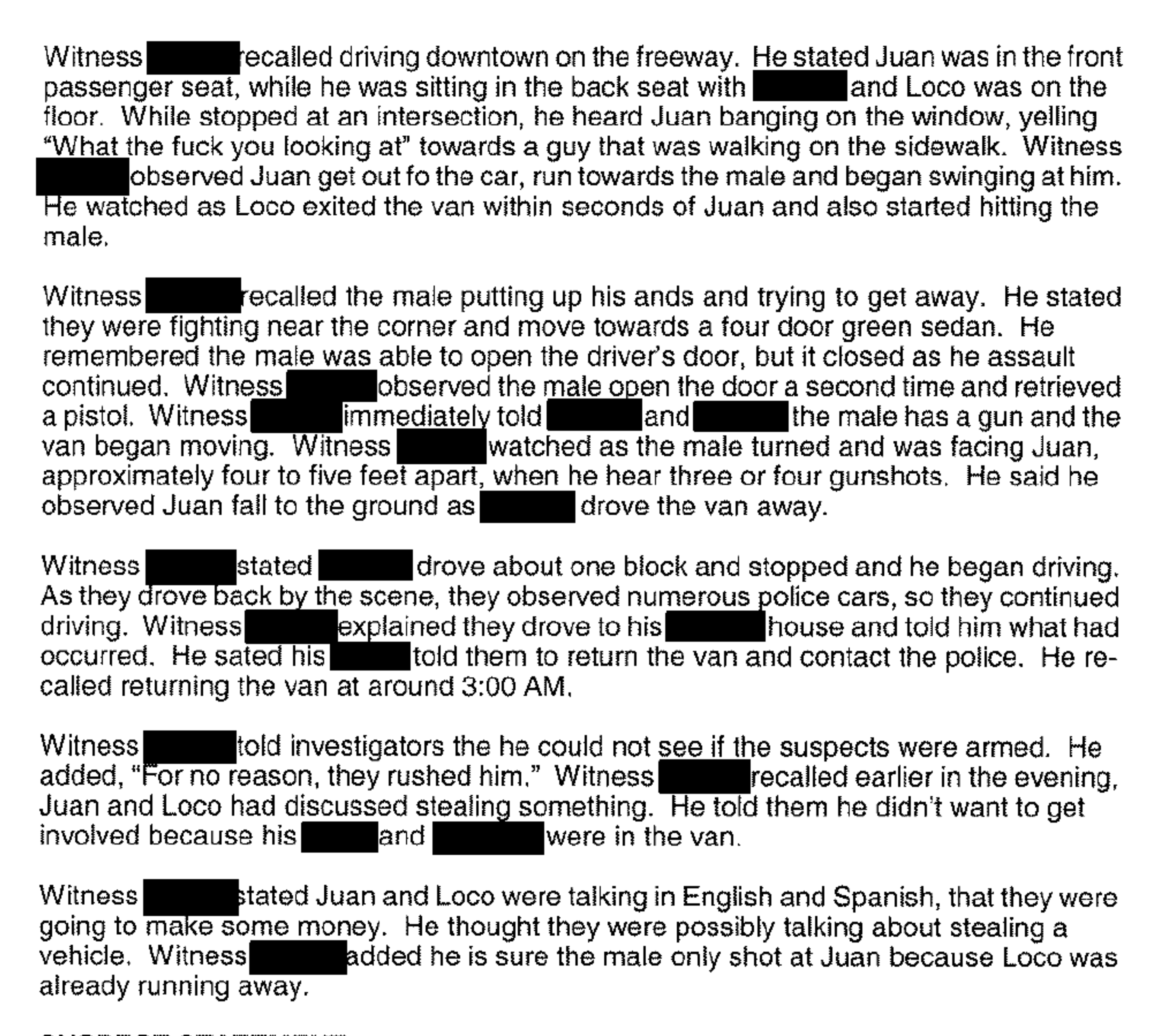
Witness [redacted] stated on Thursday night, she worked until 10:30 PM and her [redacted] drover her home. At about 10:30 PM, [redacted] picked her up at the house. She recalled [redacted] was driving the white van, Juan was in the front passenger seat and she and she was seated in the back with her [redacted] She added another male named "Locito or Junior" was seated on the floor.

Witness [redacted] recalled they were driving slow, when Juan hit the dashboard and yelled, "What the fuck are you looking at?" She said he was directing it towards a male who was walking on the sidewalk, talking on his cellular telephone. She stated Juan exited the vehicle followed by Junior and they started hitting the victim. Witness [redacted] stated they continued to fight as they moved to the south out of her view.

Witness [redacted] heard [redacted] state the guy has a gun and she was pushed down to the floor. She heard four gunshots, but never looked up. She remembered they drove a short distance and [redacted] started driving the van. They ultimately drive to [redacted] house and then home. She does not recall the suspects discussing any robbery plans prior to the assault.

On May 19, 2007, Homicide Investigators Lloyd and Weireter, interviewed [redacted] at Homicide Bureau. The following is the summary (Exhibit A, pages 57 - 58) of their interview, which was tape recorded under job ID number 24008. The interview transcription is provided under Exhibit N:

Witness [redacted] recalled Suspect Velasco had returned from his [redacted] birthday party on Thursday night. He stated Suspect Velasco picked him and his [redacted] up, [redacted] at their house at about 10:00 PM. [redacted] was driving the van and they drove and picked up "Loco," who he had met on one prior occasion. They drove back to the house and picked up [redacted]



Witness [redacted] recalled driving downtown on the freeway. He stated Juan was in the front passenger seat, while he was sitting in the back seat with [redacted] and Loco was on the floor. While stopped at an intersection, he heard Juan banging on the window, yelling "What the fuck you looking at" towards a guy that was walking on the sidewalk. Witness [redacted] observed Juan get out fo the car, run towards the male and began swinging at him. He watched as Loco exited the van within seconds of Juan and also started hitting the male.

Witness [redacted] recalled the male putting up his ands and trying to get away. He stated they were fighting near the corner and move towards a four door green sedan. He remembered the male was able to open the driver's door, but it closed as he assault continued. Witness [redacted] observed the male open the door a second time and retrieved a pistol. Witness [redacted] immediately told [redacted] and [redacted] the male has a gun and the van began moving. Witness [redacted] watched as the male turned and was facing Juan, approximately four to five feet apart, when he hear three or four gunshots. He said he observed Juan fall to the ground as [redacted] drove the van away.

Witness [redacted] stated [redacted] drove about one block and stopped and he began driving. As they drove back by the scene, they observed numerous police cars, so they continued driving. Witness [redacted] explained they drove to his [redacted] house and told him what had occurred. He sated his [redacted] told them to return the van and contact the police. He re-called returning the van at around 3:00 AM.

Witness [redacted] told investigators the he could not see if the suspects were armed. He added, "For no reason, they rushed him." Witness [redacted] recalled earlier in the evening, Juan and Loco had discussed stealing something. He told them he didn't want to get involved because his [redacted] and [redacted] were in the van.

Witness [redacted] stated Juan and Loco were talking in English and Spanish, that they were going to make some money. He thought they were possibly talking about stealing a vehicle. Witness [redacted] added he is sure the male only shot at Juan because Loco was already running away.

SUSPECT STATEMENT

Suspect Jose Trinidad Flores was interviewed by Homicide Investigators Kevin Lloyd and Stephen Weireter on May 11, 2007, at the East Los Angeles Sheriff Station Detective Bureau interview room. The following is the summary (Exhibit A, pages 53 - 55) based on their interview, which was recorded under job ID number 24742. The interview transcription is submitted under Exhibit I:

Investigators advised Suspect Flores of his rights, which he stated he understood and waived. Suspect Flores stated he was willing to talk to investigators regarding this case. Suspect Flores recalled the shooting occurring sometime around midnight. Suspect Flores stated he is a transient that sleeps in the riverbed near the Long Beach Freeway and Slauson Avenue. Suspect Flores recalled getting picked up Thursday night on Gage Avenue and the Long Beach Freeway. He recalled the vehicle being a van, sports utility vehicle, similar to a Toyota.

Suspect Flores stated there was a male driver and Suspect Velasco was in the passenger seat. Suspect Flores stated he was in th back of the vehicle Suspect Flores was vague onthe identity of the driver of the vehicle. He described himself as a "Bum" and Suspect Velasco as a "Pothead (marijuana user)."

Suspect Flores stated he was driving around in the vehicle for about two hours. He recalled stopping at a liquor store and buying beer. Suspect Flores frequents the Maywood, Bell, Bell Gardens, and South Gate areas, where he panhandles.

Suspect Flores does not know how they ended up in East Los Angeles. He denied having any purpose for being in the area. He explained he was wearing a black baseball hat and a black shirt. He added he was wearing a barbed wire and a bandana around his neck. He stated he uses the bandana so he doesn't get sunburned on the back of his neck or to keep the dirt out of is face or to blow his nose.

Suspect Flores stated he was wearing gloves because it gets cold at night. He stated he is familiar with Olympic Boulevard in East Los Angeles. He recalled that their vehicle was driving northbound on Southside Drive, approaching Olympic Boulevard.

Investigators asked Suspect Flores, what type of vehicle the victim was standing by and he replied, "I can't remember the color, it was probably a good looking car." He recalls it being an unknown brand, four door sedan. Suspect Flores stated while they were driving towards Olympic Boulevard, Suspect Velasco exited the vehicle. He added, "We don't have, I didn't have a gun." He denied having any type of weapon.

Suspect Flores stated he got out of the vehicle and followed Suspect Velasco. He explained he followed Suspect Velasco to "see what the hell he is jumping out of the car for." The next thing he recalled was Suspect Velasco being face to face with the victim.

Suspect Flores described them as "tugging each other" similar to wrestling. Suspect Flores stated he was on the side of the victim when he started "going for his car." Suspect Flores stated Suspect Velasco was wrestling and fighting with the victim. He denied having any weapon in his hand. When investigators asked Suspect Flores if he punched the victim, he replied, "Maybe, I tried to separate them, I accidently, maybe I did, I mean Bam!"

When asked if the victim or Suspect Velasco were saying anything, all that Suspect Flores could recall was both were uttering, "Fuck." Suspect Flores stated the victim opened the driver's door and was reaching for something. Suspect Flores stated he was at the driver's side of the vehicle, while suspect Velasco and the victim were still struggling. He recalled Suspect Velasco backing off and saying, "Hey alright, alright" and then the victim started shooting.

Suspect Flores stated he was twenty to thirty feet to the north when the victim started shooting. He estimated Suspect Velasco was within ten feet of the victim. Suspect Flores believed the victim shot six or seven times at Suspect Velasco and then shot once at him. Suspect Flores recalled after the shooting, the victim said, "I'm a Police Officer, I'm the

Police." He described the pistol as a black semi-automatic pistol. He stated the vehicle he had arrived in had left the location.

Suspect Flores stated he observed the shooting and Suspect Velasco falling to the ground. He stated he saw the deputies arriving, so he started running. He heard one of the deputies yelling, "Stop, stop, stop" and he continued running. Suspect Flores added he ran, hid by a van and then started going up some stairs and surrendered to deputies.

Suspect Flores believes he struck the victim in the shoulder area, adding, "Maybe he bumped into me, the elbow." Suspect Flores admitted to having his bandana around his neck because the barbed wire on his neck was bothering him.

Suspect Flores stated that it was his first time in the sports utility vehicle. He did not know Suspect Velasco's real name and has only known him for about a month. Suspect Flores denied he said, "Give me your keys" and he does not know what Suspect Velasco said to the victim. He denied ever doing any criminal activity with Suspect Velasco.

Suspect Flores stated Suspect Velasco exited and immediately confronted the victim. He does not believe the victim identified himself as a police officer because if he said that, he would have been scared and stopped. Suspect Flores stated the victim did not identify himself until after the shooting.

When investigators asked if his gloves would have the deputy's blood on them, he replied, "Maybe because it was a hassling." He denied ever touching Suspect Velasco after the shooting. He stated from the time the shots were fired, he waits about twenty seconds and sees the responding deputy.

Suspect Flores denied it was Suspect Velasco's intention to steal the victim's vehicle. He added during the assault, he was never struck by the deputy. Suspect Flores reiterated that if the victim had shown a badge or identified himself, we would say, "I'm sorry or whatever." Suspect Flores did not see anyone else in the area during the assault. He did recall seeing two women in the alley when he ran from the deputy.

When questioned about his actions during the assault, Suspect Flores stated he accidently hit the victim with his elbow or hand. He added, "I don't now if he was going to fucking jack him or that guy give him a bad face or didn't like the way he looked." Suspect Flores stated he did not have a gun or weapon and he didn't believe Suspect Velasco was armed.

Suspect Flores could not explain how the victim received his injuries other than the victim possibly being knocked to the ground. He stated it would not be his idea to commit a robbery because he had money with him. He added he was drunk and had smoked marijuana. During the booking process, Suspect Flores had no money in his possession.

After the interview, Investigators informed Suspect Flores that Suspect Velasco had died from his injuries. Suspect Flores stated he had been concerned with giving information about Suspect Velasco's actions. He believed Suspect Velasco was looking around for "money" to make "some fast cash." Suspect Flores stated Suspect Velasco was not

looking to carjack someone, instead he was going to "jack" someone.

Suspect Flores recalled Suspect Velasco telling the victim, "Give me your shit" and then the victim retrieved his gun. He added the victim did not look like a deputy.

IAB INTERVIEW OF DEPUTY [redacted]

On October 30, 2008, Deputy [redacted] was interviewed by IAB Sergeants Benjamin Garcia and David Flores at the Internal Affairs Bureau office. The following is a summary of their interview, which was taped recorded under job ID number 24809:

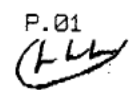
Deputy [redacted] stated substantially the same as in Homicide Bureau interview of May 11, 2007 (Exhibit A, page 52). He emphasizes again that he shot Suspect Flores in self-defense because he felt his life was in danger due to the physical assault by both suspects, Flores and Velasco. He shot Suspect Velasco as a result of Velasco striking him twice by the open door of his vehicle with a metal object which felt similar to the side of a semi-auto handgun. The blows were to [redacted] left cheek bone area and to the left backside of his head, which caused him to begin to lose consciousness.

Deputy [redacted] stated as a result to the suspect's assaults and their unwillingness to stop their assault even after he had identified himself as a "cop," he retrieved his handgun from underneath the driver's seat. He then turned and fired, at center mass, approximately six-rounds to stop Suspect Velasco's assault, who was approximately two feet away. The suspect staggered and fell approximately ten feet away on the grassy park median as Suspect Flores fled in an unknown direction. [redacted] said he felt dazed and disorientated after the shooting and was not immediately aware he had suffered any injury until assistance arrived.

Please refer to Deputy [redacted] IAB interview for further information.

MISCELLANEOUS SECTION

None.





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

January 10, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 07-0301
L.A.S.D. File No. # 007-05503-0287-013

Dear Captain Curtis:

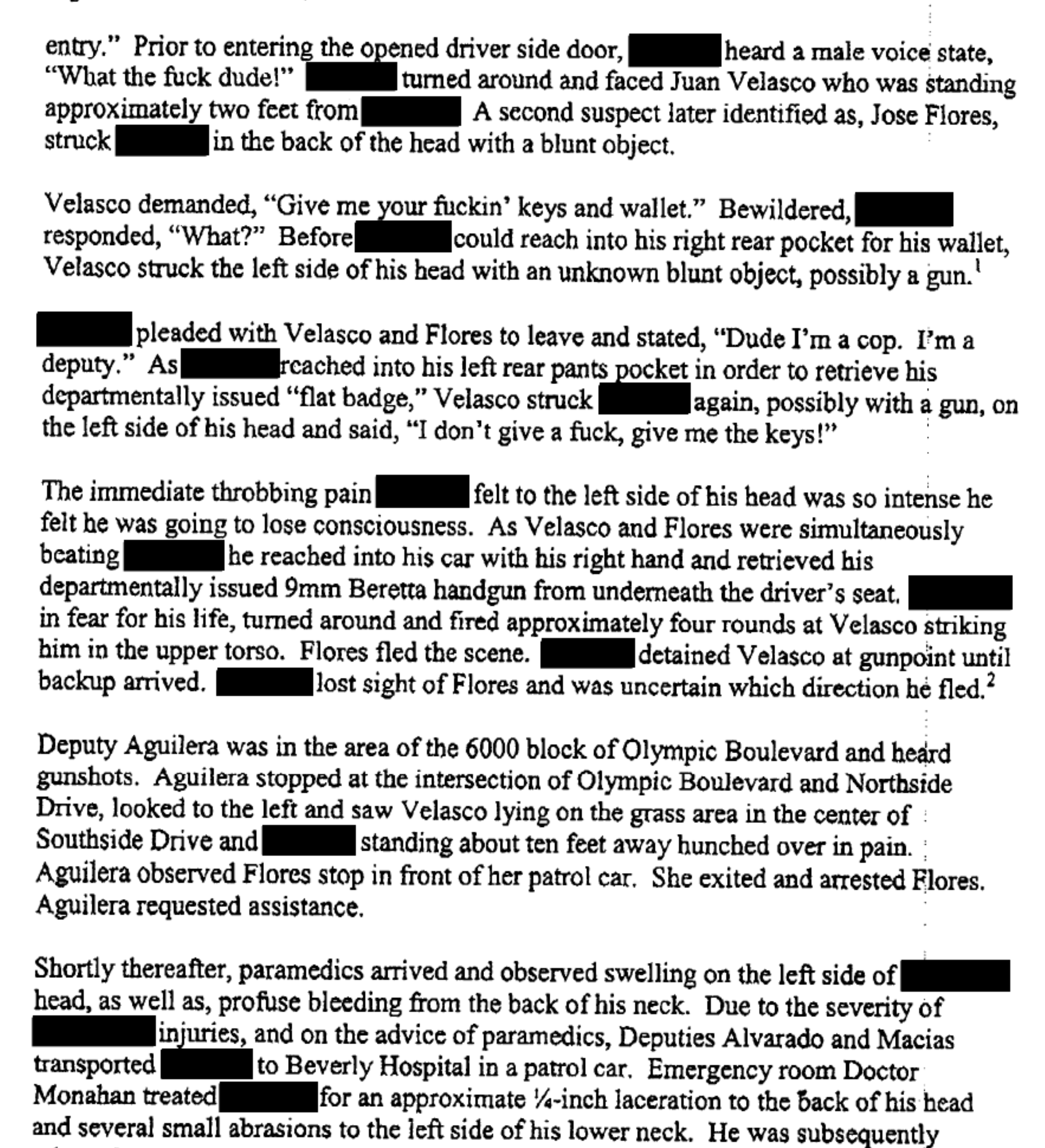
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 11, 2007, fatal shooting of Juan Velasco by Los Angeles County Sheriff's Deputy [redacted] We have concluded that Deputy [redacted] acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements provided by the Los Angeles Sheriff's Department (LASD) and submitted to this office by Detective Steve Weireter on September 25, 2007. The District Attorney Command Center was notified of the shooting at approximately 2:10 a.m. on May 11, 2007. The District Attorney Response Team, comprised of Deputy District Attorney Renée Korn and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On May 11, 2007, off-duty LASD Deputy [redacted] attended a fund-raiser for the family of Deputy Raul Gama at Betty's Pasta House in Pico Rivera. He arrived at approximately 10:30 p.m. and consumed two or three beers before leaving between 12:30 and 1:00 a.m. As he approached his vehicle, a 1996 Chevrolet Impala, parked along the east curb line of Southside Drive and Olympic Boulevard he activated the "keyless

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entry." Prior to entering the opened driver side door, [redacted] heard a male voice state, "What the fuck dude!" [redacted] turned around and faced Juan Velasco who was standing approximately two feet from [redacted] A second suspect later identified as, Jose Flores, struck [redacted] in the back of the head with a blunt object.

Velasco demanded, "Give me your fuckin' keys and wallet." Bewildered, [redacted] responded, "What?" Before [redacted] could reach into his right rear pocket for his wallet, Velasco struck the left side of his head with an unknown blunt object, possibly a gun.[1]

[redacted] pleaded with Velasco and Flores to leave and stated, "Dude I'm a cop. I'm a deputy." As [redacted] reached into his left rear pants pocket in order to retrieve his departmentally issued "flat badge," Velasco struck [redacted] again, possibly with a gun, on the left side of his head and said, "I don't give a fuck, give me the keys!"

The immediate throbbing pain [redacted] felt to the left side of his head was so intense he felt he was going to lose consciousness. As Velasco and Flores were simultaneously beating [redacted] he reached into his car with his right hand and retrieved his departmentally issued 9mm Beretta handgun from underneath the driver's seat. [redacted] in fear for his life, turned around and fired approximately four rounds at Velasco striking him in the upper torso. Flores fled the scene. [redacted] detained Velasco at gunpoint until backup arrived. [redacted] lost sight of Flores and was uncertain which direction he fled.[2]

Deputy Aguilera was in the area of the 6000 block of Olympic Boulevard and heard gunshots. Aguilera stopped at the intersection of Olympic Boulevard and Northside Drive, looked to the left and saw Velasco lying on the grass area in the center of Southside Drive and [redacted] standing about ten feet away hunched over in pain. Aguilera observed Flores stop in front of her patrol car. She exited and arrested Flores. Aguilera requested assistance.

Shortly thereafter, paramedics arrived and observed swelling on the left side of [redacted] head, as well as, profuse bleeding from the back of his neck. Due to the severity of [redacted] injuries, and on the advice of paramedics, Deputies Alvarado and Macias transported [redacted] to Beverly Hospital in a patrol car. Emergency room Doctor Monahan treated [redacted] for an approximate ¼-inch laceration to the back of his head and several small abrasions to the left side of his lower neck. He was subsequently released.

Velasco was shot in the upper torso and transported to LA County USC Medical Center by CARE Ambulance Service where Doctor Williams pronounced him dead shortly after arrival at 1:58 a.m.

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[1] No gun was recovered from the crime scene.

[2] Flores ran from the location and was arrested within minutes a short distance away by Deputy Aguilera. Flores was charged in case number BA323490 with violating Penal Code Section 664/187(a) attempted murder, 664/215(a) attempted carjacking, and 245(a)(1) assault with a deadly weapon, On December 20, 2007, Flores pleaded no contest to violating Penal Code Section 664/187and is currently set for sentencing on January 14, 2008.

On May 14, 2007, Doctor Jeffery Gutstadt, M.D., Deputy Medical Examiner, performed an autopsy on the body of Juan Velasco. He determined the cause of death was due to multiple gunshots wounds. As a part of the autopsy, a toxicological analysis revealed measurable amounts of alcohol in Velasco's body.

Investigators interviewed Flores at the East Los Angeles Sheriff Station Detective Bureau interview room. Flores initially denied any involvement by Velasco or himself in any criminal activity. However, after Flores completed his initial statement, detectives informed him that Velasco had succumbed to his wounds. Flores stated that he was concerned about giving information about Velasco to the detectives. He then admitted that Velasco had been "looking to jack someone."

Investigators notified Velasco's [redacted] of his demise. Velasco's [redacted] translated for her [redacted] and informed the detectives that Velasco had been driving his [redacted] car that night. [redacted] believed that Velasco's friend [redacted] and her [redacted] had been with Velasco.

Investigators contacted [redacted] and learned that her [redacted] and [redacted] as well as, [redacted] were in the car with Velasco and Flores at the time of the incident.

Investigators separately interviewed [redacted] and [redacted] All of them indicated that they were in the car with Velasco and Flores and that [redacted] was driving because Velasco had been drinking. They stated that [redacted] was driving slowly when Velasco unexpectedly hit the dashboard and shouted, "What the fuck are you looking at?" to a man who was walking on the sidewalk talking on his cellular telephone. Suddenly, Velasco exited the vehicle and began beating [redacted] Flores followed suit. The assault occurred near [redacted] vehicle.

[redacted] saw [redacted] put his hands up and try to get away, but Velasco and Flores kept hitting [redacted] [redacted] observed [redacted] open the car door, close it, open the door a second time and withdraw a handgun. [redacted] yelled, "He has a gun," and as [redacted] drove away they all heard gunshots. [redacted] only drove a short distance and then became too upset to drive any further. [redacted] exchanged places with [redacted] and drove to his [redacted] house. They informed [redacted] what happened and he told them to return the car and report the incident to the police. They returned the vehicle to Velasco's house around 3:00 a.m. [redacted] told the detectives that earlier in the evening, he had heard a conversation between Velasco and Flores about "stealing something, possibly a vehicle" and he had told them he did not want to be involved.

LEGAL ANAYLSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App.3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins (1961) 189 Cal. App.3d 575.*

CONCLUSION

The evidence examined in this investigation shows that Juan Velasco attempted to carjack off-duty Deputy [redacted] Despite [redacted] identification as a law enforcement officer, Velasco was not detoured. Velasco beat [redacted] in the head with a hard blunt object possibly a gun. Fearing for his safety, [redacted] retrieved his gun from his vehicle, and stopped the assault when he fired his weapon striking Velasco in the torso, ultimately ending a potentially lethal situation.

Given the appearance of a rapidly evolving, potentially life-threatening situation that confronted Deputy [redacted] we conclude he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

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Deputy District Attorney
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c: Deputy [redacted] #[redacted]